

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No.: 23-mj-200-slc

JAMES MORGAN,

Defendant.

COMPLAINT FOR VIOLATION OF TITLE 26, UNITED STATES CODE, SECTION
5861(d).

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

On or about December 21, 2023, in the Western District of Wisconsin, the
defendant,

JAMES MORGAN,

knowingly and unlawfully possessed a destructive device and the destructive device
was not registered to the defendant in the National Firearms Registration and Transfer
Record.

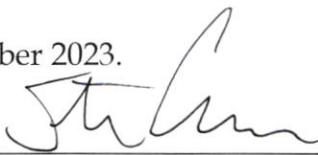
(In violation of Title 26, United States Code, Section 5861(d)).

This complaint is based on the attached affidavit of Justin Moisman.

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Justin Moisman
Special Agent, Federal Bureau of
Investigation

Telephonically Sworn this 21st day of December 2023.



HONORABLE STEPHEN L. CROCKER
UNITED STATES MAGISTRATE JUDGE

COUNTY OF DANE)
STATE OF WISCONSIN) ss
)

AFFIDAVIT

I, Justin Moisman, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation and have been since May 2019. I have also been a Special Agent Bomb Technician since February 2021. I am currently assigned to the Joint Terrorism Task Force in Milwaukee, where I investigate violations of federal law. I have investigated and assisted in the investigation of matters involving violations of federal law related to counterterrorism and domestic terrorism, including the service of search and arrest warrants. Prior to my employment with the FBI, I served in the U.S. Navy for six years as an Explosive Ordnance Disposal Technician and provided contract support as an Explosive Ordnance Disposal Subject Matter Expert to the Department of Defense and Department of Energy for twelve years collectively.

2. This affidavit is being submitted for the limited purpose of a criminal complaint for James Morgan ("the defendant"). Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included every detail of this investigation. Rather, I have set forth only those facts necessary to establish probable cause. The information contained in this affidavit is based upon my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses.

3. I respectfully submit that there is probable cause to believe that James Morgan committed the criminal offense of possession of an unregistered destructive device, in violation of Title 26, United States Code, Section 5861(d).

4. I am aware that Title 26, United States Code, Section 5861(d) makes it a crime for anyone to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record. The definition of "firearm" in Title 26, United States Code, Section 5845(a), includes "a destructive device," which in turn is defined in Section 5845(f) as:

- (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device;
- (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and
- (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

5. Pursuant to legal process, the FBI received information indicating Morgan's involvement in the making of, and possession of, destructive devices. On

December 19, 2023, the Honorable Stephen Dries, United States Magistrate Judge, Eastern District of Wisconsin, issued a search warrant under Rule 41(b)(3), Federal Rule of Criminal Procedure, to search among other things, Morgan's travel trailer with Illinois license plate xxx8RT.

6. On December 21, 2023, investigators executed the search warrant on Morgan's travel trailer, which was located at 2799 Pontiac Place, Janesville, Wisconsin. While the search of the trailer was ongoing, I conducted a voluntary interview with Morgan at his place of employment. I asked Morgan whether there was anything in the trailer that he should not possess; Morgan said no. When searching the trailer, law enforcement identified a locked safe. I asked Morgan whether he possessed the key to the safe. Morgan then said he remembered that he had homemade grenades in the safe.

7. A trained FBI bomb technician took an x-ray of the safe, which revealed several devices within the safe that appeared to have nails around them. After opening the safe and observing what appeared to be homemade grenades, law enforcement removed the devices from the safe. Law enforcement secured six homemade grenades, or destructive devices. For all six devices, the ends of the cylinders were sealed with coins glued in place, and the devices had a hobby fuse, of about 1.5 or 2 inches. Four of the devices also had construction nails glued to the outside, which would cause additional damage to persons and property. The bomb technician believed the devices to contain explosive filler because he could observe a powder line on the x-ray. A photo of one of the devices is below.



8. Investigators located within Morgan's trailer additional cardboard tubing that could be used for making additional devices, two containers (1 pound each) of Pyrodex, a black powder substitute, and a copy of The Anarchist Cookbook and The Poor Man's James Bond, which provide instructions on how to construct bombs.

9. The FBI bomb technician examined the items described above and determined they are, or can be, readily assembled into a destructive device. According to the Bureau of Alcohol, Tobacco, and Firearms, Morgan has no destructive devices registered in the National Firearms Registration and Transfer Record.

10. Based on the foregoing, I submit that there is probable cause to issue a criminal complaint and arrest warrant for James Morgan, charging him with the offense

of possession of an unregistered destructive device, in violation of Title 26, United States Code, Section 5861(d).

15/

Justin Moisman
Special Agent, Federal Bureau of
Investigation

Telephonically sworn this 21st day of December 2023.


Honorable Stephen L. Crocker
United States Magistrate Judge